



Control Number: 51415



Item Number: 235

Addendum StartPage: 0

RECEIVED
2021 MAR -8 PM 3:16
PUBLIC UTILITY COMMISSION
SOAH DOCKET NO. 473-21-0538
PUC DOCKET NO. 51415

APPLICATION OF SOUTHWESTERN §
ELECTRIC POWER COMPANY FOR § BEFORE THE
AUTHORITY TO CHANGE RATES § PUBLIC UTILITY COMMISSION
OF TEXAS

**NUCOR STEEL LONGVIEW, LLC's FIFTH REQUEST
FOR INFORMATION TO SWEPCO**

COMES NOW Nucor Steel Longview, LLC ("Nucor"), a division of Nucor Corporation, pursuant to Section 22.144 of the Procedural Rules of the Public Utility Commission of Texas and the procedural order in this proceeding, and requests that Southwestern Electric Power Company ("SWEPCO") answer the following questions under oath. Please present your response in accordance with the requirements of P.U.C. PROC. R. § 22.144(c)(2). State the name of the witness in this matter who will sponsor the answer to the question and can vouch for the truth of the answer. The answer should be filed under oath, or the responding party should stipulate in writing that the answer can be treated by all parties as if filed under oath. The response is requested within twenty (20) calendar days or in compliance with any scheduling order entered in this proceeding. SWEPCO is under a continuing obligation to supplement or amend as needed in accordance with P.U.C. PROC. R. § 22.144.

These RFIs are intended to not be duplicative of other discovery propounded by any other party, therefore to the extent any information requested herein is found in responses to other discovery, SWEPCO's response should so state rather than producing additional responses. If any information sought herein has already been filed in the Docket, then reference to the location of that information is a sufficient response.

These requests are not intended to seek, and should be read as expressly excluding, privileged information or documents. Should any information be withheld from a response, please state in that response that you are withholding information or materials and the privilege(s)

asserted.

Provide your response to the undersigned authorized representatives at the address and email listed below.

Respectfully submitted,

STONE MATTHEIS XENOPOULOS & BREW, PC

/s/ Damon E. Xenopoulos

Damon E. Xenopoulos

Laura Wynn Baker

Joseph R. Briscar

1025 Thomas Jefferson Street, N.W.

Suite 800 West

Washington, DC 20007

(202) 342-0800

(202) 342-0807 - Fax

dex@smxblaw.com

lwb@smxblaw.com

jrb@smxblaw.com

**AUTHORIZED REPRESENTATIVES FOR
NUCOR STEEL LONGVIEW, LLC**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was served via electronic transmission, hand delivery and/or U.S. mail to all parties of record this 8th day of March 2021.

/s/ Joseph R. Briscar

Joseph R. Briscar

**NUCOR STEEL LONGVIEW, LLC'S FIFTH REQUEST
FOR INFORMATION TO SOUTHWESTERN ELECTRIC POWER COMPANY**

Definitions and Instructions

A. “**You**” and “**Your**” refers to Southwestern Electric Power Company (“SWEPCO”), the Petitioner in PUC Docket No. 51415, SOAH Docket No. 473-21-0538.

B. “**Southwestern Electric Power Company**” or “**SWEPCO**” or “**the Petitioner**” refers to its officers, employees, agents, representatives, attorneys, and all other natural persons, businesses or legal entities, presently or formerly, acting in concert with, under the direct or indirect control of, or on behalf of SWEPCO.

C. “**Nucor Steel Longview, LLC**” or “**Nucor**” refers to its officers, employees, agents, representatives, attorneys, and all other natural persons, businesses or legal entities, presently or formerly, acting in concert with, under the direct or indirect control of, or on behalf of Nucor.

D. The term “**Commission**” refers to the Public Utility Commission of Texas, an administrative agency of the State of Texas, and its Staff and Commissioners, natural persons employed by and working for the agency.

E. The term “**Staff**” as used herein refers to the natural persons employed by and working for the Public Utility Commission of Texas in any capacity.

F. “**Document**” and “**Documents**” are used herein in their broadest sense as set forth in Tex. R. Civ. P. 192.3(b), and specifically include electronic information or magnetic data as described in Rule 196.4. These words mean and include all written, printed, typed, recorded, or graphic matter of every kind and description, both original and copies, and all attachments and appendices. Without limiting the foregoing, the terms “Document” and “Documents” shall include all agreements, contracts, communications, correspondence, letters, opinion letters, telegrams, telexes, telefaxes, messages, memoranda, records, reports, books, summaries or other records of telephone conversations or interviews, summaries or other records of personal conversations or interviews, minutes, summaries, or other records of meetings and conferences, statements obtained from witnesses, summaries or other records of negotiations, other summaries, diaries, diary entries, calendars, appointment books, time records, instructions, work assignments, forecasts, progress reports, statistical data, statistical statements, financial statements, worksheets, workpapers, drafts, graphs, charts, tables, accounts, analytical records, consultants’ and experts’ reports, appraisals, bulletins, notes, notices, marginal notations, notebooks, telephone records, bills, statements, records of obligation and expenditure, invoices, lists, journals, printouts, compilations, tabulations, analyses, studies, surveys, expense reports, microfilm, microfiche, tape or disc recordings, sound recordings, video recordings, film, tape, photographs, programs and data compilations from which information can be obtained (including matter used in data processing), and other printed, written, handwritten, typewritten, recorded, stenographic, computer-generated, computer-stored, magnetically-stored, optically-stored, or electronically stored matter and Electronic Information, however produced, prepared, reproduced, disseminated, made or stored in any data source. The words “Document” and “Documents” also include all copies of documents by whatever means made, except that where a document is produced, identical copies of it that do not contain any

markings, additions, or deletions that are different from the original do not have to be separately produced.

G. Pursuant to P.U.C. Proc. R. § 22.144(h)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.

H. The term “**Communication**” includes, without limitation of its generality, statements, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions and symposia, whether written or oral. The term includes, without limitation of its generality, both communications and statements which are face-to-face and those which are transmitted by any media such as intercoms, telephones, television, radio, or computer including electronic information.

I. The term “**Electronic Information**” includes, without limitation, the following: databases, data files, program files (*e.g.*, DOC, XLS, WPD files), image files (*e.g.*, JPEG, TIFF, PDF files), email messages and files, voicemail messages and files, instant messaging messages, text messages, temporary files, system-history files, deleted files or emails, backup files and archival files, website files, website information stored in textual, graphical or audio format, cache files, and cookies stored in any Data Sources in SWEPCO’s possession or control.

J The term “**Data Sources**” includes, without limitation, mainframe computers, network servers, internet (“web”) servers, computers (including desktop, laptop and handheld computers), hard drives (including portable or temporary hard drives), flash drives (including thumb drives, secure digital cards or other flash memory devices), email servers, handheld devices like personal digital assistants and cell phones or smartphones (*e.g.*, iPhones).

K. Pursuant to Rule 196.4 of the Texas Rules of Civil Procedure, Nucor requests that any electronic or magnetic data that is responsive to a request herein be produced in a format that is compatible with Microsoft Word, Excel or similar widely available formats and be produced with your response to these requests. If emails are responsive to these requests, please provide a copy of the entire email string. Attachments to emails should also be provided in native format.

L. The terms “**relate**” or “**relating**” to any given subject, when used to specify a document, communication, statement, or correspondence mean any document, communication, statement or correspondence that constitutes, contains, evidences, embodies, reflects, identifies, states, discusses, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

M. The term “**identify**,” when used in reference to a natural person means to provide his or her (1) full name and (2) present or last known position or business affiliation, job title, employment address, and telephone number.

N. The terms “**identify**” and “**describe**,” when used in reference to facts, an event, or an allegation, means to include: (a) a detailed description of the facts, events, or allegation at issue; (b) the date or dates on which the facts or event occurred, or the time period involved in the events giving rise or relating to the allegation; (c) the name, address, telephone number, and affiliation of all persons involved in the facts, event, or allegation; and (d) the date, author, addressee or recipient, and type of document of any document relating to or concerning the event or allegation.

O. The term “**SWEPCO Application**” means the Application of Southwest Electric Power Company for Authority to Change Rate and the Petition and Statement of Intent filed at the Public Utility Commission of Texas on October 14, 2020, PUC Docket No. 51415, and referred to the State Office of Administrative Hearings by PUC Order on October 30, 2020, and subsequently assigned SOAH Docket No. 473-21-0538.

Requests

- Nucor 5-1 Refer to SWEPCO’s response to Nucor 2-5. Please list for each customer class, the “individual unique characteristics” that were considered. Also, is SWEPCO’s response for the major customer classes in the class cost of service study or for the rate classes? If for the rate classes, please provide a response for determining the major customer classes.
- Nucor 5-2 Refer to SWEPCO’s response to Nucor 2-6. Please explain how grouping the Commercial and Industrial customer classes into one large rate class “facilitate[s] sustainable migration among the customer classes within a family of rate options.”
- Nucor 5-3 Does SWEPCO agree that setting the rates in some Commercial and Industrial rate schedules above the cost of service and some below the cost of service could contribute to some customers migrating from one rate schedule to another rate schedule although they would not have migrated if rates were set equal to the allocated cost of service? If SWEPCO disagrees, explain why.
- Nucor 5-4 Please refer to SWEPCO’s response to Nucor 3-12. Does SWEPCO agree that it is possible that “abnormal operating levels” along with comparable changes in billing determinants for a rate class with few customers or one customer could produce rate levels that are not significantly different in comparison to rates based on normal operating levels and billing determinants? If SWEPCO disagrees, explain why.
- Nucor 5-5 Please refer to SWEPCO’s response to Nucor 3-12. Provide the specific documents referred to in the last sentence of said response.
- Nucor 5-6 Please refer to SWEPCO’s response to Nucor 3-13. Does SWEPCO agree that not setting Commercial and Industrial rates based on the allocated cost of service could send incorrect price signals to customers and could cause unintended or inappropriate customer migration? If SWEPCO disagrees, explain why.